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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,179	05/01/2001	Mitsuhiro Nada	205007US-2	2561

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 05/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,179

Applicant(s)

NADA, MITSUHIRO

Examiner

DALENA TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-19 are pending.
2. The prior art submitted on 5/1/01 has been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19, as understood by examiner, are rejected under 35 U.S.C.102(b) as being anticipated by Arnston et al. (4,128,005).

As per claim 1, Arnston et al. disclose an abnormality diagnostic system capable of storing abnormality diagnostic data used for abnormality diagnosis corresponding to an abnormal event when an abnormality is detected in a vehicle, comprising: a common data storing section for storing as the abnormality diagnostic data for a plurality of abnormal events, common data which is common irrespective of a difference in the abnormal events (see the abstract; columns 6-7, lines 58-3; and columns 7-8, lines 46-14), and an inherent data storing section for storing as the abnormality diagnostic data, inherent data which is inherent to each of the abnormal events (see columns 1-2, lines 41-16; and columns 4-6, lines 52-57).

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As per claim 2, Arnston et al. disclose storing the abnormality diagnostic data (see columns 4-6, lines 52-57), judging an abnormal event when the abnormality is detected (see columns 9-10, lines 3-63), selecting the inherent data corresponding to the judged abnormal event (see columns 10-11, lines 64-20), and writing the selected inherent data together with the common data to the storing as the abnormality diagnostic data corresponding to the abnormal event (see column 7, lines 4-45).

As per claims 3 and 10, Arnston et al. disclose common data includes data indicative of behavior of the vehicle (see columns 3-4, lines 1-22).

As per claims 4-5 and 11-15, Arnston et al. disclose the inherent data comprises a plurality of data, and data length of each data is constant irrespective of a difference in the abnormal events (see column 7, lines 4-45).

As per claim 6, Arnston et al. disclose a common storing region in which each of the inherent data can be commonly stored (see columns 8-9, lines 15-2), and writes the inherent data to the common storing region (see column 7, lines 4-45).

As per claim 7, Arnston et al. disclose common data includes data indicative of behavior of the vehicle (see columns 3-4, lines 1-22).

As per claims 8 and 9, Arnston et al. disclose the inherent data comprises a plurality of data, and data length of each data is constant irrespective of a difference in the abnormal events (see column 7, lines 4-45).

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Claim 16 is method claim corresponding to system claims 1-2 above. Therefore, it is rejected for the same rationales set forth as above.

Claims 17-19 are method claims corresponding to system claims 3-5 above. Therefore, they are rejected for the same rationales set forth as above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

. McCown et al. (5,067,099)

. Thakore et al. (5,255,208)

. Watari et al. (5,980,081)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Dalena Tran, whose telephone number is (703) 308-8223. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

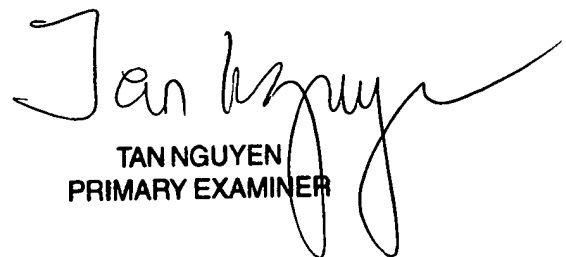
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**or faxed to:**

(703) 305-7687, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal  
Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to  
the Group receptionist whose telephone number is (703) 308-1113.

  
TAN NGUYEN  
PRIMARY EXAMINER

/dt  
May 07, 2002